

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 28121 of 2007(W)

**AGAINST THE ORDER IN EP.NO.2072/2004 IN
OS.3005/2000 of II ADDL.M.C.,THRISSUR**
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PETITIONER:

**MR.TONY KOKKAN, S/O.KOKKAN ANTO,
KOKKAN HOUSE, SANTHI NAGAR, PANAMUKKU DESOM,
KANIMANGALAM VILLAGE, THRISSUR.**

BY ADV. SRI.RANJITH XAVIER

RESPONDENTS:

**M/S.SAFE GUARD CHITTIES AND LOANS(P)LTD
REGD.OFFICE AT T.M.C.XXIX/651,
SHORNUR ROAD, THRISSUR VILLAGE, DESOM, TALUK.
REPRESENTED BY ITS CHAIRMAN.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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W.P.C. NO. 28121 OF 2007

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Dated this the 20th day of September, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside the order of arrest passed against the writ petitioner who is the first judgment debtor in O.S.3005/00 of II Addl. Munsiff Court, Thrissur. The Court below ordered arrest for the reason that PW1 has tendered evidence and nothing has been brought out in cross-examination. A perusal of the writ petition would show that on so many occasions this judgment debtor has repeatedly pleaded plea of no means. So there must be sufficient evidence to prove the same. Now, the learned counsel for the writ petitioner submits that his client is not a willful defaulter and he has got the intention to pay provided some time is given for the same. Since he has got eagerness I am inclined to grant him some time. Therefore, I direct the writ petitioner to pay an amount of Rs.20,000/- to the decree holder on or before 1.11.07. If he makes the payment of Rs.20,000/- on or before that date, the Court after hearing

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the decree holder may give him some breathing time to pay the balance amount. Till that time the judgment debtor shall not be arrested and detained in civil prison.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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